

"Jersey Brand Butter * * * One Pound Net Weight." The remainder of the article was labeled in part: (Carton) "Strawberry Brand Pasteurized Creamery Butter. * * * Creamery Department of Beebe Ice Co. Beebe, Ark. * * * One Pound Net."

Adulteration was alleged with respect to the Jersey brand butter for the reason that excessive moisture had been mixed and packed with and substituted for butter, and for the further reason that a valuable constituent, butterfat, had been wholly or in part abstracted.

Misbranding was alleged with respect to both lots of the product for the reason that the statements "One Pound" and "One Pound Net," appearing in the labelings of the respective lots, were false and misleading and deceived and misled the purchaser, and for the further reason that it was in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On October 21, 1924, the Beebe Creamery Co., Beebe, Ark., having appeared as claimant for the property and having filed certified checks in lieu of bonds, judgments of the court were entered, ordering that the product be released to the said claimant to be reprocessed and that the claimant pay the costs of the proceedings.

C. F. MARVIN, *Acting Secretary of Agriculture.*

13472. Adulteration and misbranding of cheese. U. S. v. 3½ Boxes of Cheese. Product ordered destroyed. (F. & D. No. 18383. I. S. No. 4365-v. S. No. C-4279.)

On February 13, 1924, the United States attorney for the Eastern District of Michigan, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 3½ boxes of cheese, at Detroit, Mich., consigned from Chicago, Ill., alleging that the article had been shipped by the Chicago Cheese & Farm Products Co., January 29, 1924, and transported in interstate commerce from the State of Illinois into the State of Michigan, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Individual package) "Daisy Brand Farmer Cheese Chicago Cheese & Farm Products Co."

Adulteration of the article was alleged in substance in the libel for the reason that it had been mixed and packed with foreign fat so as to injuriously affect its quality, and for the further reason that cheese made from foreign substances had been substituted wholly or in part for cheese made from animal fat substances, which the article purported to be.

Misbranding was alleged for the reason that the statement "Cheese," appearing in the labeling, was false and misleading, in that the product contained foreign fat, for the further reason that it was labeled "Cheese" so as to deceive and mislead purchasers, and for the further reason that it was an imitation of and offered for sale under the distinctive name of another article, to wit, cheese.

On June 17, 1924, no claimant having appeared for the property and no market existing for the product, an order of the court was entered, providing for its destruction by the United States marshal.

C. F. MARVIN, *Acting Secretary of Agriculture.*

13473. Adulteration of shell eggs. U. S. v. Theophilus Jimerson (Jimerson Bros.). Plea of guilty. Fine, \$20. (F. & D. No. 19309. I. S. No. 18281-v.)

On May 25, 1925, the United States attorney for the Eastern District of Arkansas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Theophilus Jimerson, trading as Jimerson Bros., Newark, Ark., alleging shipment by said defendant, in violation of the food and drugs act, on or about August 7, 1924, from the State of Arkansas into the State of Tennessee, of a quantity of shell eggs which were adulterated. The article was labeled in part: "Jimerson Bros., Newark, Ark."

Examination by the Bureau of Chemistry of this department of 540 eggs from the consignment showed that 123 eggs, or 22.8 per cent of those examined, were inedible eggs, consisting of black rots, mixed rots, spot rots, and blood rings.

Adulteration of the article was alleged in the information for the reason that it consisted in part of a filthy and decomposed and putrid animal substance.

On May 25, 1925, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$20.

C. F. MARVIN, *Acting Secretary of Agriculture.*

13474. Adulteration and misbranding of butter. U. S. v. Golden State Milk Products Co. Plea of guilty. Fine, \$250. (F. & D. No. 18581. I. S. No. 11998-v.)

On October 27, 1924, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Golden State Milk Products Co., a corporation, El Centro, Calif., alleging shipment by said company, in violation of the food and drugs act, on or about February 18, 1924, from the State of California into the State of Arizona, of a quantity of butter which was adulterated and misbranded. The article was labeled in part: "Golden State Butter * * * San Francisco Golden State Milk Products Company Los Angeles."

Analyses of five samples of the article by the Bureau of Chemistry of this department showed an average of 79.61 per cent of milk fat.

Adulteration of the article was alleged in the information for the reason that a product deficient in milk fat had been substituted for butter, which the said article purported to be, and for the further reason that a product which contained less than 80 per cent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 per cent by weight of milk fat, as prescribed by the act of March 4, 1923.

Misbranding was alleged for the reason that the statement, to wit, "Butter," borne on the packages containing the article, was false and misleading, in that the said statement represented that the article consisted wholly of butter, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it consisted wholly of butter, whereas it did not so consist but did consist of a product deficient in milk fat. Misbranding was alleged for the further reason that the statement, to wit, "Butter," borne on the said packages, was false and misleading, in that it represented that the article was butter, to wit, a product which should contain not less than 80 per cent by weight of milk fat, as prescribed by the said act of March 4, 1923, whereas it was a product which did not contain 80 per cent by weight of milk fat but did contain a less amount.

On March 10, 1925, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$250.

C. F. MARVIN, *Acting Secretary of Agriculture.*

13475. Adulteration and misbranding of butter. U. S. v. the Merchants Creamery Co. Plea of guilty. Fine, \$25. (F. & D. No. 19265. I. S. Nos. 12578-v, 12585-v.)

On January 26, 1925, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Merchants Creamery Co., a corporation, Cincinnati, Ohio, alleging shipment by said company, in violation of the food and drugs act as amended, in two consignments, namely, on or about March 18 and 25, 1924, respectively, from the State of Ohio into the State of West Virginia, of quantities of butter, one shipment of which was adulterated and misbranded and the other shipment of which was misbranded. The consignment of March 25, 1924, was labeled in part: "Rose Brand Creamery Butter The Merchants Creamery Company Cincinnati, O. One Pound Net." The consignment of March 18, 1924, was labeled in part: "Creamery Butter."

Examination by the Bureau of Chemistry of this department of 60 packages of the Rose brand butter showed that the average net weight was 15.63 ounces. Analyses of 7 samples from the remaining consignment showed an average of 79.5 per cent of milk fat.

Adulteration was alleged with respect to the consignment of March 18 for the reason that a product deficient in milk fat had been substituted for butter, which the article purported to be, and for the further reason that a product which contained less than 80 per cent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 per cent by weight of milk fat, as prescribed by the act of March 4, 1923.

Misbranding of the Rose brand butter was alleged in the information for the reason that the statement "One Pound Net," borne on the packages containing the article, was false and misleading, in that it represented that each